

IN THE CLAIMS:

Please amend the claims as follows:

Cancel Claims 12, 13, 16, 23, 25-27, 54, 58 and 59.

C2
1 (Twice Amended). A radiosensitizer agent for treatment of cancer and tumors, said radiosensitizer agent comprising a halogenated xanthene, said halogenated xanthene interacting with ionizing radiation applied to said cancer or tumor to enhance the therapeutic efficacy of said ionizing radiation.

C3
4 (Twice Amended). The radiosensitizer agent of Claim 1 wherein said halogenated xanthene includes as a functional derivative at least one targeting moiety selected from the group consisting of deoxyribonucleic acid (DNA), ribonucleic acid (RNA), amino acids, proteins, antibodies, ligands, haptens, carbohydrate receptors or complexing agents, lipid receptors or complexing agents, protein receptors or complexing agents, chelators, encapsulating vehicles short- or long-chain aliphatic or aromatic hydrocarbons, aldehydes, ketones, alcohols, esters, amides, amines, nitriles, and azides.

5 (Twice Amended). The radiosensitizer agent of Claim 1 wherein said halogenated xanthene also is an imaging contrast agent.

6 (Twice Amended). The radiosensitizer agent of Claim 5 wherein said halogenated xanthene acts as an imaging contrast agent for computed axial tomography.

C3
CND
7 (Twice Amended). The radiosensitizer agent of Claim 5 wherein said halogenated xanthene acts as an imaging contrast agent for X-ray imaging.

C4
9 (Twice Amended). The radiosensitizer agent of Claim 1 wherein said halogenated xanthene is selected from the group consisting of Phloxine B, Erythrosin B and Eosin Y.

C5
10 (Twice Amended). A radiosensitizer agent for treatment of cancer and tumors using ionizing radiation, said radiosensitizer agent comprising a halogenated xanthene wherein said halogenated xanthene is activated using x-rays having an energy greater than 30 keV.

C6
14 (Twice Amended). The radiosensitizer agent of Claim 1 wherein at least one biological targeting moiety is attached to said halogenated xanthene to enhance targeting of said halogenated xanthene to biologically sensitive structures of said cancer or tumors.

C6
15 (Twice Amended). The radiosensitizer agent of Claim 1 wherein at least one chemical targeting moiety is attached to said halogenated xanthene to enhance targeting of said halogenated xanthene to biologically sensitive structures of said cancer or tumors.

C7
18 (Twice Amended). The radiosensitizer agent of Claim 1 wherein said halogenated xanthene is encapsulated in a delivery vehicle.

C8
51 (Twice Amended). A radiosensitizer agent for treatment of cancer and tumors using radiosensitization or ionizing radiation, said radiosensitizer agent comprising a halogenated xanthene

wherein said ionizing radiation is approximately greater than or equal to 1 keV and less than or equal to approximately 1000 MeV.

C8
C9
52 (Amended). The radiosensitizer agent of Claim 1 wherein said ionizing radiation is approximately greater than or equal to 1 keV and less than or equal to approximately 1000 MeV.

C9
55 (Amended). The radiosensitizer agent of Claim 1 wherein said halogenated xanthene includes as a functional derivative at least one targeting moiety selected from the group consisting of hydrophilic and hydrophobic moieties.

REMARKS

The Rejections

In the Final Rejection, the Examiner continued the following rejections:

- (1) Claims 1-3, 5-8, and 12-13, plus new Claims 58-59 under 35 USC §102 as being anticipated by Serafini et al. (¶8);
- (2) Claims 1-3, 5-9, and 12-13, plus new Claims 58-59 under 35 USC §102 as being anticipated by Neckers (¶10); and
- (3) Claims 4, 14, 18-20, and 25-27 under 35 USC §103 as being unpatentable over Serafini et al. or Neckers in view of Khaw (¶15).

The Examiner also made the following new rejections:

- (4) Claims 15-16, 23, and 54-55 under 35 USC §103 as being unpatentable over Serafini et al. or Neckers in view of Khaw (¶15); and